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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,201	12/22/2003	Kiritharan Parankirinathan	LECPRV1	6878

7590 12/06/2004

MARK NOWOTARSKI
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EXAMINER


BLECK, CAROLYN M

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/743,201	PARANKIRINATHAN, KIRITHARAN	
	Examiner	Art Unit	
	Carolyn M Bleck	3626	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Carolyn M Bleck. (3) Mark Nowotarski.
 (2) Joseph Thomas. (4) Tom Bakos.

Date of Interview: 23 November 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: 1.


Identification of prior art discussed: Frinfrock et al. (5,592,379).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.


Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See attached continuation sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


 JOSEPH THOMAS
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 3600

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See attached agenda for the discussions during the interview. Discussed the rejection of claim 2 under 35 USC 112. Applicant suggested amending the claim, which the Examiner agreed would overcome the 112 rejection. To overcome the 101 rejection, the Examiners suggested amending claim 1 to recite "calculated using a computer" for the calculation steps. The Applicants provided a detailed description of claim 1, and the distinction between claim 1 and the applied prior art of record. The Examiner will reconsider the rejection in light of any newly submitted amendments and/or arguments.



November 19, 2004

To: Carolyn Beck
USPTO, Art Unit 3626
fax 703 746 8374
3 pages

Subject: Questions for scheduled phone interview on 11/23/04 re application 10/743,201

Dear Examiner Beck,

It was a pleasure speaking to you yesterday. This is to confirm our appointment to have a telephone interview regarding the recent non-final office action regarding US application 10/743,201, "Method of Calculating Premium Payment to Cover the Risk Attributable to Insureds Surviving a Specified Period". The interview is scheduled for 11 to 12 am EST on Tuesday, November 23. I will call you at Joe Thomas' number, 703 305 9588.

Tom Bakos, FSA will be joining me for the call. Tom is a consulting actuary with 30+ years of experience hired by the applicant as an expert in the field of insurance.

The purpose of the call is to determine how to best overcome the current rejections of the claims. The specific subjects we would like to talk about include:

1. Claim 2 has been rejected under 35 USC 112 as being indefinite due to the use of the term "about". Would deleting the phrase "payable at or about the beginning date." overcome the 112 rejection? Would it trigger a new rejection?
2. All of the claims have been rejected under 35 USC 101 as being unpatentable for being non-statutory subject matter. The examiner asserts that all of the steps of all of the claims can be performed in the mind of the user or by use of a pencil and paper. Would adding the phrase "wherein at least one of the steps of the method is performed by a computing machine" to claim 1 be effective in overcoming the rejection for all of the claims?
3. All of the claims have been rejected under 35 USC 102 as being anticipated by Finfrock et al. (US 5,592,379). The examiner asserts that all of the steps of all of the claims are disclosed in Finfrock. The applicant respectfully disagrees and wishes to present persuasive arguments that several of the steps of the current claims are not disclosed in Finfrock. Would the examiner consider arguments such as the one below persuasive?

Page 1 of 3

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Exemplary argument of non-anticipation

The examiner has asserted that the step "calculating a single premium wherein the single premium is equal to or greater than the sum of the discounted survival risk benefits for each life in the group of insured lives less the present value as of the beginning date of the expected death benefits of the survivors of said group of insured lives payable after the end date" of claim 1 (emphasis added) is disclosed in col. 1 line 60 to col. 2 line 18, col 6 lines 9-54 of Finfrock et al. The applicant respectfully disagrees.

Col. 1 line 60 to col 2 line 18 of Finfrock describes an investment program which is offered exclusively to seniors in a given age range. Dividends from the program are distributed to investors that are alive at the time of distribution. There is no mention of a step of calculation in this section of Finfrock. Furthermore, a step of calculation is neither inherent nor implied.

Col 6, lines 10 to 54 of Finfrock discloses several examples of the payouts possible for participants in the investment program of Finfrock. There is no description of a step of calculation in this section, although a step of calculation is implied.

The implied step of calculation produces an estimate of the nominal value of the payouts of the program for an individual that survives to the end of the term of the program. The calculation of nominal value is based on the age of the individuals who invest, the amount of their investment, the number of individuals who invest, the interest rate of the investment and the normal attrition rates of the individuals in the program.

The implied step of calculation of nominal payout, however, is in no way based on an interest rate that may be used to discount future nominal payments to a present value. Hence the implied calculation cannot comprise the calculation of a "present value as of the beginning date" as required by claim 1 of the instant invention.

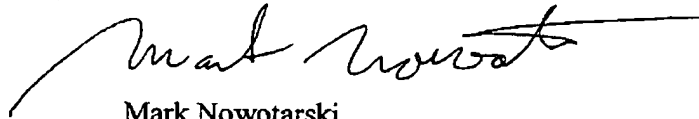
Furthermore, there is no disclosure anywhere else in Finfrock of a calculation of a present value, nor is said calculation inherent or implied.

Finfrock, therefore, does not anticipate claim 1 of the present invention and by extension does not anticipate claims 2 through 10 which depend upon claim 1.

4. If the above exemplary argument is not persuasive, the applicant asks for guidance on how to make it persuasive or how to amend the claim to avoid anticipation or other reasons for rejection.

Thank you for your consideration. I look forward to discussing the case with you next Tuesday. Please feel free to call me at 203 975 7678 if we need to change the time of the interview.

Regards,

A handwritten signature in black ink, appearing to read 'Mark Nowotarski', with a long horizontal flourish extending to the right.

Mark Nowotarski
Reg. No. 47,828